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Attorney For Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GLORIA RODRIGUEZ,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant

No. 2:20-cv-1982 DB

**STIPULATION AND ORDER FOR
AWARD OF EAJA FEES**

IT IS HEREBY STIPULATED by the parties, through their undersigned attorneys, and with the approval of the Court as provided below, that Plaintiff be awarded attorney fees under the Equal Access To Justice Act (EAJA) 28 U.S.C. 2412(d), in the amount of two thousand, thirty dollars and fifty-three cents (\$2,030.53), and costs pursuant to 28 U.S.C. 1920, in the amount of four hundred dollars (\$400.00). This amount represents compensation for all legal services rendered on behalf of Plaintiff by her counsel in connection with this civil action, in accordance with 28 U.S.C. 2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to Plaintiff's attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (U.S. June 14, 2010), the ability to honor the assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order to EAJA fees is entered, the government will determine if it is subject to any offset.

1 Fees and costs shall be made payable to Plaintiff, but if the Department of the Treasury
2 determines that Plaintiff does not owe a federal debt, then the government shall cause the
3 payment of fees and costs to be made directly to Plaintiff's counsel Joseph C. Fraulob, pursuant
4 to the written assignment executed by Plaintiff. Any payments shall be delivered to Plaintiff's
5 counsel Joseph C. Fraulob.

6 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
7 attorney fees and does not constitute an admission of liability on the part of Defendant under the
8 EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any
9 and all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees in
10 connection with this action.

11 DATE: October 19, 2021

12 *By /s/ Joseph Clayton Fraulob*
13 JOSEPH CLAYTON FRAULOB
Attorney for plaintiff

14
15 DATE: October 19, 2021

PHILLIP A. TALBERT
United States Attorney

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17 *By /s/ Marcelo Illarmo*
18 (*as authorized via e-mail)
MARCELO ILLARMO
Assistant Regional Counsel

19
20 Attorneys for Defendant

21
22 **ORDER**

23 Pursuant to the parties' stipulation, IT IS SO ORDERED.

24 DATED: November 4, 2021

/s/ DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE